

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WRI GOLDEN STATE, LLC,

No. C-07-1480 MMC

Plaintiff,

v.

SAVE MART SUPERMARKETS, d/b/a
FOOD MAXX,

Defendant

**ORDER DENYING PLAINTIFF'S MOTION
TO SHORTEN TIME TO HEAR
PLAINTIFF'S MOTION TO EXCLUDE
EVIDENCE; CONTINUING HEARING ON
DEFENDANT'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Before the Court is plaintiff's "Motion to Shorten Time for Motion to Exclude Evidence or, in the Alternative, to Permit Deposition of Witnesses Disclosed After the Close of Non-Expert Discovery," filed April 10, 2008. Defendant has filed opposition. Having read and considered the parties' submissions, the Court rules as follows.

Plaintiff seeks to have its "Motion to Exclude Evidence or, in the Alternative, to Permit Deposition of Witnesses Disclosed After the Close of Non-Expert Discovery" ("Motion to Exclude"), also filed April 10, 2008, heard on May 2, 2008, the date the Court is scheduled to conduct a hearing on defendant's "Motion for Partial Summary Judgment." Plaintiff argues that because the evidence plaintiff seeks to exclude is offered by defendant in support of its Motion for Partial Summary Judgment, both motions should be heard together.

The Court agrees that, in the interests of judicial economy, the motions should be

1 heard together. In order to address defendant's concern that it be afforded adequate time
2 to respond to the Motion to Exclude, however, the Motion to Exclude will be heard on a
3 regular briefing schedule, specifically, May 16, 2008, and the hearing on defendant's
4 Motion for Partial Summary Judgment will be continued to May 16, 2008.

5 Accordingly, plaintiff's motion to shorten time is hereby DENIED; the Motion to
6 Exclude will be heard on May 16, 2008; and the hearing on defendant's Motion for Partial
7 Summary Judgment is hereby CONTINUED to May 16, 2008.

8 Defendant's reply to plaintiff's opposition to defendant's Motion for Partial Summary
9 Judgment remains due on April 18, 2008.

10 **IT IS SO ORDERED.**

11
12 Dated: April 17, 2008


MAXINE M. CHESNEY
United States District Judge